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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,239	11/06/2001	Michael Waller	9488.00	5480

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EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,239

Applicant(s)

WALLER ET AL.

Examiner

Michael Roswell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 5, 6, 23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Tracy.

Regarding claim 1, Tracy teaches machine reading a tag carried by an item, and identifying an information resource address carried by the tag and accessing the identified resource to download from that resource information aggregated from a plurality of information suppliers in response to data carried by the tag (taught as the scanning of a code on selected merchandise, the subsequent display of related information, at col. 8, lines 1-5, and the retrieval of the related information from one or more remote file locations carried by machine readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49). Furthermore, Tracy teaches the processes of identifying and accessing being undertaken automatically, and without human involvement (taught inherently as the accessing and display of linked data, at col. 8, lines 1-5 and col. 2, lines 41-49), and wherein at least some of the resource information was obtained from multiple web sites (taught as the retrieval and display of item-related information from world wide web URLs, at col. 2, lines 41-49).

Regarding claim 2, Tracy teaches machine reading a tag carried by an item, wherein the operation of reading the tag takes place upon placing the item onto or into a support surface

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(taught as the machine reading of an item barcode at a checkout counter, at col. 6, lines 27-32, which are well known to have support surfaces that include barcode readers), and identifying a plurality of information resource addresses carried by the tag and accessing the identified resources to download from that resource information from those resources in response to data carried by the tag (taught as the scanning of a code on selected merchandise, the subsequent display of related information, at col. 8, lines 1-5, and the retrieval of the related information from one or more remote file locations carried by machine readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49). Tracy teaches displaying the downloaded information on or beside the support surface, at col. 6, lines 36-43. Furthermore, Tracy teaches the processes of identifying and accessing being undertaken automatically, and without human involvement (taught inherently as the accessing and display of linked data, at col. 8, lines 1-5 and col. 2, lines 41-49), and wherein at least some of the resource information was obtained from multiple web sites (taught as the retrieval and display of item-related information from world wide web URLs, at col. 2, lines 41-49).

Regarding claim 5, Tracy teaches providing a tagged item to a user having a tag reader, in response to use of the tag reader, identifying and accessing an information resource carried by the tag, and downloading information to the user from that resource information aggregated from a plurality of information suppliers (taught as the scanning of a code on selected merchandise, inherently supplied to the user by the commercial venue in which the portable data terminal is used, the subsequent display of related information, at col. 8, lines 1-5, and the retrieval of the related information from one or more remote file locations carried by machine readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49).

Regarding claim 6, Tracy teaches providing a tagged item to a user having a tag reader, in response to use of the tag reader, identifying and accessing a plurality of information resources carried by the tag, at least one address for each of the plurality of information suppliers, and downloading information to the user from the identified resource addresses (taught as the scanning of a code on selected merchandise, inherently supplied to the user by the commercial venue in which the portable data terminal is used, the subsequent display of related information, at col. 8, lines 1-5, and the retrieval of the related information from one or more remote file locations carried by machine readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49). Furthermore, Tracy teaches the plurality of information suppliers being providers of products or services to which the supplied information relates, and wherein the tagged item represents a theme to which the products or services relate (taught as the display of item-related information such as the nutritional information of a food item, brand alternatives, or coupons related to the scanned item, at col. 9, lines 20-50).

Regarding claim 23, Tracy teaches storing an information resource on a tag, storing data on the tag such that, when the data is read, the information resource address is identified and the identified resource is accessed to download from that resource information aggregated from a plurality of information suppliers, applying the tag to the item, wherein the information resource is an Internet or intranet resource addressable by a URL, taught as the retrieval of the related information from one or more remote file locations, such as world wide web URLs, carried by machine readable coded labels, in response to the scanning of a barcode, at col. 2, lines 41-49.

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Regarding claim 25, Tracy teaches storing a plurality of information resources on a tag, storing data on the tag such that, when the data is read, the information resources addresses are identified and the identified resources are accessed to download information from those resources, applying the tag to the item, wherein each information resource is an Internet or intranet resource addressable by a URL, taught as the retrieval of the related information from one or more remote file locations, such as world wide web URLs, carried by machine readable coded labels, in response to the scanning of a barcode, at col. 2, lines 41-49.

Response to Arguments

Applicant's arguments with respect to claims 23 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 23 May 2005 have been fully considered but they are not persuasive.

Claims 1, 2, and 6 contain limitations not present in any previous version of the claims. Absent a mere allegation of patentability, in applicant's arguments pertaining to the originally presented limitations of claims 1, 2, 5, and 6, the Examiner notes that no specific reasoning or examples were given as to how the cited prior art differs from the claimed invention, or how the added limitations overcome the prior art of record. Therefore, the Examiner maintains the rejections set forth in the prior Office Action dated 7 March 2005, and addresses the newly added limitations in the claim rejections stated above.

Conclusion

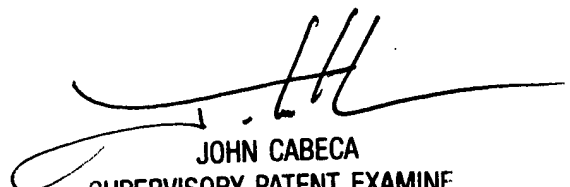
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN CABECA
SUPERVISORY PATENT EXAMINE
TECHNOLOGY CENTER 2100

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Michael Roswell
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